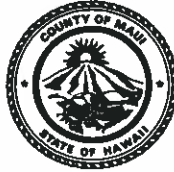


CHARMAINE TAVARES
Mayor



BRIAN T. MOTO
Corporation Counsel

**DEPARTMENT OF THE CORPORATION COUNSEL
COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
TELEPHONE: (808) 270-7740
FACSIMILE NO.: (808) 270-7152**

May 26, 2009

By Fax And U.S. Mail To:
Commission on Water Resource Management
P. O. Box 621
Honolulu, Hawaii 96809

By U.S. Mail To:
Applicants listed on Exhibit "A"

**Re: Water Use Permit Applications - Na Wai Eha Surface Water
Management Area**

Ladies and Gentlemen:

The County of Maui Department of Water Supply ("DWS") hereby submits its objection to the above-referenced Surface Water Use Permit Applications.

DWS is the owner and operator of the Iao Surface Water Treatment Facility that treats surface water from Na Wai Eha for use as a part of the County of Maui's public water supply. The surface water treated in DWS's facility is served to DWS's customers on the Central Maui system. The County has filed an "existing use" Surface Water Application in the amount of 1.784 mgd and a "new use" Surface Water Application in the amount of 1.416 mgd.

DWS is concerned that after the Na Wai Eha Interim Instream Flow Standards are amended, the amount of surface water available for offstream uses may be insufficient to satisfy all the applications for allocations in the amounts requested. Should DWS be allocated less than the amounts sought in DWS's pending permit applications, DWS's ability to manage the public water supply and

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Commission on Water Resource Management
and Applicants
May 26, 2009
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serve the public would be impeded.

Therefore, to preserve its legal rights, and to assure that all competing applications are considered together and in relation to one another as contemplated by HRS § 174C-50(h), DWS hereby objects to all Surface Water Use Permits seeking allocations from surface water sources in the Na Wai Eha Surface Water Management Area.

Very truly yours,

A handwritten signature in cursive script, reading "Jane E. Lovell".

JANE E. LOVELL
Deputy Corporation Counsel

JEL:nng

cc: Jeffrey K. Eng, Director of Water Supply
Edward S. Kushi, Jr., Deputy Corporation Counsel
Isaac H. Moriwake, Esq.
Julie China, Esq.
Pamela W. Bunn, Esq.
Paul R. Mancini, Esq.
Gilbert S. C. Keith-Agaran, Esq.
Yvonne Y. Izu, Esq.

S:\ALL\JEL\Water Use Permit cch-ma-06-01\Surface Water WUPA\CWRM 5-26-09.wpd

EXHIBIT "A" - Applicants

Mr. Vernon Ball
Ms. Dorothy T. Bell
Mr. Douglas Bell
Mr. Alan Birnie
Gary & Evelyn Brito
Regino Cabacungan
Cordell Chang
Winifred/Gordon Cockett
James Phillip Dodd
Michael Doherty
Richard Emoto
Stanley Faustino
Patricia Z. Federcell
Dianna K. Goo
Russel Gushi
Valentine Haleakala
Karl & Lee Ann Harders
Theodore & Zellie Harders
Darrell Higa
Hooululahui LLC
Greg Ibara
Vanessa J. Ince &
WS Kinzer
Jinsei Miyashiro Trust
John Minamina Brown Trust
Kenneth Kahalekai
Alfred Kailiehu Jr.
Cristal Koki
David & Katherine Lengkeek
Kenneth Mendoza
Mr. Lawrence Miyahira
Elsie Miyamoto
Kalani & Tera Paleka
Piko Ao, LLC
Ms. Isabelle Rivera
Katherine T. Riyu
Michael Ridrigues
Waldemar & Darlene Rogers
Alfred Santiago
Duke & Jean Sevilla
Christina Smith
Ione Shimizu
Warren K.H. Soong
T&Z Harders Family Ltd Partnership

Thomas & Patricia Texeira
Denise Texeira
Noel & Katherine Texeira
Mr. John Varel
Aloha Poi Factory, Inc.
Alex Buttaro
Francisco Cerizo
William Freitas
Paul & Jennifer Higashino
Kauai Kahalekai
Charlene E. Kana
Leinaala M. Kihm
Victor & Walette Pellegrino
Melvin Riyu &
Judith Yamanoue
Bert H. Sakata & Peter Fritz
Alfred Santiago & Collin Kailiponi
Steve Haller
Hawaiian Cement
MTP Operting Company LLC
Dr. Lorrin Pang
Pohakulepo Recycling, LLC
ROJAC Trucking Inc.
Wailuku Country Estates Community Assn
Wailuku Country Estates Irrigation
Company
Kihei Garden & Landscaping Company LLP
David Niehaus
Charles Dando, Sr., Charles Dando, Jr., Judy
Dando, Jena Munson
Nadao Makimoto
Clayton Suzuki, Linda Kadosaki, Reed
Suzuki, Scott Suzuki
Heinz Jung & Cecilia Chang
Wailuku Water Company
Waiolani Mauka Community Assn
MMK Maui LP - The King Kamehameha
Golf club
Hawaiian Commercial & Sugar Company
Michele & Leslie Vida, Jr.
Robert Hanusa
Avery & Mary Chumbley
Makani Olu Partners LLC